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EXAMINER

AVERY, BRIDGET D

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 12/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,855

Applicant(s)

MAGNESS, ANNOP

Examiner

Bridget Avery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. The Drawings filed by applicant on May 22, 2002 are acknowledged.
2. The preliminary amendment filed by applicant on August 29, 2002 is acknowledged.

Specification

3. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.
4. The abstract of the disclosure is objected to because on line 3, "in to" should be changed to --into--. Correction is required. See MPEP § 608.01(b).
5. The disclosure is objected to because of the following informalities: On page 6, line 4, "side" should be changed to --sides--.

Appropriate correction is required.

6. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: for example, on page 1, line 8, "card" should be changed to --cart--; on page 1, line 20, "6,173,881" should be --6,173,811--; on page 1, line 23, "4,949,626" should be --4,494,626--; on page 2, section (d), "for"

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should be changed to --to--; on page 2, section (f), --an-- should be inserted before "extensible"; on page 2, section (f), "rested" should be changed to --rest--; on page 2, section (g) is incomprehensible; on page 6, line 4, "side" should be changed to --sides--; on page 6, line 14, "witch" should be changed to --which--; on page 6, line 28, "by welted and extend is pivotally at one end..." is unclear and should be revised; on page 6, line 33, "10 it's provide lifting" is unclear.

It is suggested that applicant check the specification thoroughly for errors before making the above changes. The examples above do not include all errors.

7. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Claim Objections

8. Claim 1 is objected to because of the following informalities: On line 6, --a-- should be inserted before "cross". Appropriate correction is required.

9. Claim 1 is objected to because of the following informalities: On line 10, "crew" should be changed to --screw--. Appropriate correction is required.

10. Claim 21 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The wheels recited in claim 21 have been previously recited in claim 18, line 8.

11. In claim 27, line 2, "of" should be deleted.
12. In claim 27, line 2, "a" before "rails" should be deleted.

Claim Rejections - 35 USC § 112

13. Claims 1-34 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

14. The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

For example:

15. Claim 1 recites the limitation "the wheels" in line 3. There is insufficient antecedent basis for this limitation in the claim.
16. Claim 1 recites the limitation "said upper horizontal support means" in line 8. There is insufficient antecedent basis for this limitation in the claim.
17. Claim 1 recites the limitation "said the wheel support means" in line 12. There is insufficient antecedent basis for this limitation in the claim.
18. Claim 1 recites the limitation "said extensible device" in line 14. There is insufficient antecedent basis for this limitation in the claim.
19. In claim 1, line 4, "all of said platform assembly being movable upwardly and downwardly in relation to said platform frame assembly" is confusing and appears

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inaccurate. For the purposes of examination, the claim has been treated as though "all of said platform assembly being movable upwardly and downwardly in relation to said wheel assembly" is claimed.

20. In claim 1, line 14, the recitation of "a platform frame assembly" is confusing.

The "a" should be changed to --said--.

21. In claim 1, line 14, the recitation of "a wheel support assembly" is confusing. The "a" should be changed to --said--.

In claim 1, line 14, the recitation of "a platform frame assembly" is confusing. The "a" should be changed to --said--.

22. Claim 2 recites the limitation "said upper cross bar" in line 18. There is insufficient antecedent basis for this limitation in the claim.

23. Claim 2 recites the limitation "said lower cross bar" in line 19. There is insufficient antecedent basis for this limitation in the claim.

24. Claim 3 recites the limitation "second and third scissor legs" in line 3. There is insufficient antecedent basis for this limitation in the claim. Applicant has not yet claimed a "first scissor leg".

25. Claim 18 recites the limitation "said first and second scissor legs" in line 2. There is insufficient antecedent basis for this limitation in the claim.

26. Claim 18 recites the limitation "said third and fourth scissor legs" in 3. There is insufficient antecedent basis for this limitation in the claim.

27. Claims 23 and 24 are unclear and confusing.

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28. In claim 25, line 1, --assembly including—should be inserted after “platform” for clarity.
29. Claim 25 recites the limitation "said extensible structure" in line 3. There is insufficient antecedent basis for this limitation in the claim.
30. Claim 25 recites the limitation "said platform frame assembly" in line 4. There is insufficient antecedent basis for this limitation in the claim.
31. In claim 25, line 8, “of” should be changed to –said—for clarity.
32. In claim 25, the last paragraph is unclear and incomprehensible. It is unclear as to what applicant wishes to claim. The claim has been treated as best understood by the portion of the claim that clearly defines structure.
33. Claim 26 recites the limitation "said hand crank" in line 2. There is insufficient antecedent basis for this limitation in the claim.
34. In claim 26, line 4, applicant’s recitation of “in lower to the floor level provided force to sliding said support plate below load or stag of boxes alike” is unclear.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

35. Claims 18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Heide (US Patent 4,534,544).

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Heide teaches a multiuse platform (1) including: first and second scissor legs (3, 4) being pivoted together intermediate their ends and third and fourth scissor legs (3, 4) being pivoted together intermediate their ends (at 3a, 5); each of the scissor legs (3, 4) having an upper end and a lower end; a wheel (19) mounted at each lower end; a lift structure (13) including the scissor legs (3, 4) where in a lowered position they lie substantially coplanar and in a raised position the upper ends of the scissor legs (3, 4) lie above the lower ends of the scissor legs (3, 4), where the lift structure (13) is connected between the scissor legs (3, 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

36. Claims 1, 2 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becklund (US Patent 5,829,948) in view of Barrett (US Patent 6,152,462).

Becklund teaches a lifting and rolling apparatus including: a wheeled assembly; a platform frame assembly (12, 14) positioned above the wheeled assembly, the platform frame assembly (12, 14) having a crossbar (22), all of the platform frame assembly being movable upwardly and downwardly in relation to the wheeled assembly (as shown in Figures 3A and 3D); lifting structure (16) connected to the wheeled assembly and to the cross bar (22) for lifting and lowering the platform frame assembly (12) in

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relation to the wheeled assembly, the lifting structure (16) being a hydraulic cylinder (as described in column 4, line 4); an extensible structure (10C) different from the lift structure (16) having a first end pivotally mounted (at 15a) to the rear end of the platform frame assembly (12) and the second end pivotally mounted into a lower cross bar (26); and a platform (see Figures 15A-15F) having first and second ends and having the first end pivotally connected to the platform frame assembly (12) and the second end of the platform being releasably supported by cross bar (22).

Becklund lacks the teaching of a lock assembly.

Barrett teaches a hand cart system including a lock assembly (74, 76).

Based on the teachings of Barrett, it would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify the apparatus of Becklund to include a lock assembly to prevent unintended adjustment of the platform.

37. Claims 19, 20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heide ('544) in view of Laug (US Patent 6,189,653).

Heide teaches the features described above.

Heide lacks the teaching of scissor legs with telescoping structure.

Laug teaches a multi-purpose scaffold including legs having telescoping structure (1, 9).

Based on the teachings of Laug, it would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify the apparatus of

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Heide to include telescoping structure on the legs to facilitate ease in adjusting the height of the apparatus for convenience.

38. Claims 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Becklund ('948) and Barrett ('462) as applied to claim 25 above, and further in view of Hirose et al. (US Patent 1,894,489).

The combination of Becklund and Barrett teach the features described above.

The combination of Becklund and Barrett lack the teaching of a head rest and seat support.

Hirose et al. teaches a folding stool ladder including ladder elements (1, 2, 3).

Based on the teachings of Hirose et al., it would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify the multipurpose apparatus of Becklund and Barrett to include a ladder to facilitate ease in reaching elevated objects.

39. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becklund ('948) and Barrett ('462) as applied to claim 25 above, and further in view of Martin (US Patent 6,095,532).

The combination of Becklund and Barrett teach the features described above.

The combination of Becklund and Barrett lack the teaching of a head rest and seat support.

Martin teaches a folding creeper including a head rest (20) for selective attachment and a seat support for a tool box (60). See Figure 5a.

Based on the teachings of Martin, it would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify the multipurpose apparatus of Becklund and Barrett to include a head rest for user comfort and a seat support for convenience.

40. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becklund ('948) and Barrett (') as applied to claim 25 above, and further in view of Wienhold (US Patent 4,336,921).

Becklund and Barrett teach the features described above.

Becklund and Barrett lack the teaching of a jack extension.

Wienhold teaches a jack extension (30).

Based on the teachings of Martin, it would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify the multipurpose apparatus of Becklund and Barrett to include a jack extension to facilitate ease in raising heavy objects.

Allowable Subject Matter

41. Claim 3, as best understood, would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

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Claims 4-17, 26 and 28-30 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eskridge shows a multimode collapsible cart.

Tornabene et al. shows a combination hand truck, stepladder and basket carrier.

Stevens shows a lift and tilt table.

Matthews shows a portable surface lift for a vehicle.

Battle shows an all-purpose ladder

Voegele shows a multi-purpose hand truck.

Cherry shows a pallet dock lift.

Hillesheimer shows a hydraulically driven lifting, loading or tipping platform.

Larsen shows a combined snow shovel, wheelbarrow and dolly.

Murray shows a combined stepladder and load lifting apparatus.

Croxton shows hospital beds.

Bourgraf et al. shows a cart having collapsible legs.

Ferneau et al. shows a cart for conveying and using articles of merchandise.

Clarke shows a scissors operating linkage.

Pommier shows a self-propelled scaffold.

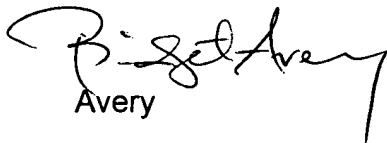
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Bellows shows a convertible dolly-type vehicle.


Haeger shows an ice truck.

Smith shows a convertible work creeper, seat and platform.

43. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 703-308-2086.


Avery

December 3, 2002


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12/6/02